

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Office Action dated October 8, 2008. Claims 53-55 are added without introducing any new matter. After entry of this response, claims 1-55 are pending, with claims 1, 13, 17, 21, 34, 39, 42, 47, 50, and 53-55 being independent claims.

The subject matter for the new claims may be found in the original disclosure, including, for example, original paragraphs [0074] to [0075], and original claims 1, 21, and 42.

Claim Rejections – 35 USC § 102 and 35 USC § 103

Claims 1-3, 5-10, 12, 14-21, 24-27, 29-42, and 45-52 are rejected under 35 U.S.C. § 102(e) in view of U.S. Patent Application Publication No. 2005/0220199 (Sadowsky). Claims 4 and 28 are rejected under 35 U.S.C. 103(a) over Sadowsky in view of an Internet article found at: www.maths.abdn.ac.uk/~igc/tch/mx4002/notes/node91.html (Craw). Claims 11 and 13 are rejected under 35 U.S.C. 103(a) over Sadowsky. Claims 22-23 are rejected under 35 U.S.C. 103(a) over Sadowsky in view of U.S. Patent No. 7,020,490 (Khatri). Claims 42 and 45-52 are rejected under 35 U.S.C. 103(a) over Sadowsky in view of U.S. Patent No. 6,711,124 (Khayrallah). Claims 43-44 are rejected under 35 U.S.C. 103(a) over Sadowsky in view of Khayrallah and Khatri.

The Sadowsky reference has an earliest effective filing date of March 31, 2004. The present application has a filing date of April 9, 2004, less than two weeks after the effective filing date of the Sadowsky reference. Filed herewith is a Declaration under 37 C.F.R. § 1.131 (“the Declaration”). The Declaration, along with the factual evidence submitted therewith, substantiates that Applicants’ date of conception is prior to March 31, 2004, which when coupled

with Applicants' diligence in processing the application drafts, by standard procedure, and without delay, from a date prior to March 31, 2004, until the filing date of April 9, 2004. Therefore, Applicants respectfully submit that the Sadowsky art should be disqualified as a reference to Applicants' application.

Accordingly, reconsideration and withdrawal of the foregoing rejections are respectfully requested. In view of the foregoing, Applicants submits that all pending claims in the application are patentable over the remaining art of record. Accordingly, reconsideration and allowance of this application are earnestly solicited.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: /Ross L. Franks/
Ross L. Franks, Reg. No. 47,233
(858) 845-1946

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502